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June 25, 2013

County of San Luis Obispo
Planning and Building Department
976 Osos Street, Room 300
San Luis Obispo, CA 93408

VIA FEDEX

In Re: *Environmental Determination No.: ED 11-086*
County File No.: DRC 2011-00037
Project/Entitlement: Cantinas Ranch
Organizational Camp
Applicant Name: Cantinas Ranch Foundation

Dear Department of Planning and Building:

My name is Paul H. Nankivell, II. I am a general partner of The Nankivell Ranch. The Nankivell Ranch owns approximately 81 acres immediately adjacent to the land owned by the Cantinas Ranch Foundation. The Nankivell Ranch owns APN No: 080-062-017, which is to the west of the Cantinas Ranch Parcel No: 080-011-011.

The Nankivell family purchased this property more than thirty (30) years ago and it has been used by the Nankivell family as a remote, rural residence for all of those years. Our property is improved with one structure, namely a single family residence consisting of approximately 2,400 square feet. Our property (like the Cantinas Ranch property) is zoned Rural Land. During the 30 years that we have owned the Nankivell Ranch property, there has been some modest development in the immediate area, including the construction of other single family residences on large multi-acre parcels. We have always endeavored to maintain good relationships with our neighbors. The limited development that has occurred during the past 30 years has been entirely consistent with the rural character of the area. The Cantinas Ranch Foundation has characterized this development as an organizational "camp". However, there is no "camping" involved. The project plans for the "camper lodging" show two bedroom, two bath apartments with a living room and kitchenette. Use of the terms "camp" and "campers" is very misleading. This project is essentially a large high-end resort with first class amenities. It is with great reluctance that we feel compelled to submit the following comments in opposition to the project proposed by the Cantinas Ranch Foundation.

Proposed Project - Concerns

The proposed project would construct 132,0000 square feet of improvements on approximately 25 acres of land located at the westerly end of 560 acres owned by Cantinas Ranch. The project is

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portrayed as a "camp" for only 200 campers. In reality, the applicant proposes to construct a high-end resort in an extremely remote and rural setting. Moreover, utilization of the facility is not limited to the summer months. The 132,000 square feet of improvements will also be available as a year-round "retreat" and potentially for many other uses. The Initial Study ("IS")/Mitigated Negative Declaration ("MND") project description fails to identify how and in what manner the project will be utilized outside of the three (3) summer months. A large variety of uses could have adverse effects on the environment and would completely change the character of this rural area.

need to address including each area discussed below:

This extraordinarily large 132,000 square foot project for only 200 guests strongly suggests the future expansion of the project to include uses by numbers of persons far in excess of that presented by the applicant. I have been informed that the applicant previously sought approval of a project for 800 to 1000 visitors, which was apparently rejected by the County. However, the construction of 132,000 of improvements (the size of a Costco warehouse) certainly indicates future expansion plans. The size of the project as proposed is far larger than anything needed for only 200 guests. For example:

A. Parking Area

The project description of the IS/MND identifies a 21,000 square foot parking lot for 24 staff parking spaces. These parking spaces are in addition to the 2,688 square foot building being built for the fleet of vans to be utilized in transporting people to the site. A parking lot of 21,000 square feet could accommodate in excess of 80 parking spaces. 24 parking spaces on 21,000 square feet results in 875 square feet per space.

B. Mission Building

The proposed Mission contains 37,000 square feet of space. The project description of the IS/MND does not explain the full nature and purpose of the Mission and how this large structure will be utilized by just 200 guests. The IS/MND fails as an informational document because the intended use and utilization of this Mission Building and associated potential environmental impacts are not described at all.

C. Art Buildings and Mill Barn

Art Buildings consist of an additional 19,000 square feet, all purportedly designed to provide facilities for only 200 visitors. The "Mill Barn" consists of another 9,500 square feet—all for a maximum of 200 guests.

D. Stage

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The project includes a 1,900 foot outdoor stage. How this is to be utilized by just 200 guests is not set forth in the IS/MND. However, based upon promotional materials prepared by Cantinas Ranch, it appears that the stage will be utilized for music festivals, water music concerts, stage plays and other unspecified events. It is inconceivable that an outdoor stage would be utilized solely by the 200 guests in attendance at the resort. The IS/MND fails as an informational document because the intended use and utilization of this Stage and associated potential environmental impacts are not described at all.

Non Summer Month Usage. Inasmuch as the project description of the IS/MND fails to detail the specific use of the project during the non-summer months (3/4 of the year), there is certainly no way of determining how this large project will be utilized, other than the vague statement that it may be used for "retreats". Utilization during the nine (9) non-summer months for conferences, retreats, music festivals, art festivals or other purposes, certainly presents an entirely different set of undisclosed circumstances relative to this project.

The project requires 43,000 cubic yards of cut and 20,400 cubic yards of fill on 20.4 acres of land necessary to build internal roads, parking, building pads, etc. Other improvements include the construction of an entirely new emergency access road across a large section of the Cantinas Ranch property. The IS/MND states that all of the cut will be "kept on site". The project description of the IS/MND does not describe where the unneeded material (approximately 23,000 cubic yards) will be distributed on the site. The IS/MND project description makes no effort to describe how such large amounts of material will be moved around the site, be utilized for fill, or moved to other locations. A single loader dump truck capable of carrying 14 cubic yards (even if suitable for these dirt roads) would require 1,643 truck loads to relocate the 23,000 cubic yards of cut not needed for fill. For these additional reasons, the IS/MND fails as an informational document.

Existing Setting

The existing setting for the proposed development is on a little used, sub-standard, winding dirt road utilized by a very small number of home owners located along Lynch Canyon Road. The IS/MND indicates that to the west of the Cantinas Ranch property are rural lands, including a recreational trailer park known as Christmas Cove. However, in addition, there are several single-family residences located to the west of the Cantinas Ranch property, including the Nankivell Ranch property, a single-family residence owned by Doug and Cindy Fleenor, a residence owned by Dave and Loretta Della Mora, a residence owned by Harold and Marlies Fildey, and other property owned by Chris Botti and Jeff Thatcher. These omissions related to

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the existing setting at and adjacent to the project site in the IS/MND are also a failure of the California Environmental Quality Act (CEQA) document to serve as an accurate informational document.

Environmental Analysis

The Department of Planning and Building in its IS/MND has identified numerous issues having potentially significant environmental effects. The Planning Department has concluded that these potentially significant effects will be mitigated to less than significant levels. We strongly disagree. The potential environmental impacts included in the IS/MND are vaguely described and are mitigated with generic and largely unquantifiable and unenforceable mitigation measures that fail to clearly identify how potentially significant impacts are reduced to less than significant levels. An IS/MND is only allowed under CEQA if all construction and operational environmental impacts can be mitigated to a less than significant level. This IS/MND inaccurately and incompletely describes existing conditions, potential project impacts, mitigation measures, and level of significance after incorporation of mitigation. An IS/MND was not the appropriate document to assess potential impacts of this project under CEQA. With respect to the items set forth in the IS/MND, we have the following comments:

1. Aesthetics

The IS/MND acknowledges that the project will have a potentially significant impact as follows:

- a) Create an aesthetically incompatible site open to public view;
- b) Introduce a use within a scenic view open to public view;
- c) Change the visual character of an area; and
- d) Create glare or night lighting which may affect surrounding areas.

While acknowledging that these impacts are significant, the IS/MND suggests that all of these impacts will be mitigated.

First, it should be observed that no existing condition photos have been presented in the IS/MND, and no visual simulations have been presented (other than a table summarizing the visual assessment). Additionally, the IS/MND fails to provide any elevations for any of the structures to be built on the site. Most notably, the IS/MND fails to specify the elevation of the over-water bridge on the emergency access road. It is critically important that the bridge is high enough to allow lake access and not be a hazard

provide
in the
record

? *

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to boat traffic. None of this information is provided in the IS/MND.

It is undisputed that a significant portion of the project will be open to public view and no mitigation has been proposed which would significantly mitigate that public view. No project design features were proposed to significantly deal with this issue. Therefore, a project impact was identified without viable mitigation measures to reduce the severity of the identified impact to a less than significant level. The potentially significant impact is therefore significant and unavoidable with no viable project design features or mitigation measures offered to reduce the severity of the impact.

visibility
alone
impact
- explain
what's
visible &
not a comp
w/ standard
design

Also, this project has the effect of transforming 25 acres of virgin land and moving more than 43,000 cubic yards of that land in order to create parking lots, building pads, new roads, and all the other infrastructure associated with a project of this magnitude. Because the IS/MND identifies and discloses significant environmental impacts, without identifying how mitigation will minimize those impacts, this IS/MND fails as an informative document and draws conclusions not supported by substantial evidence.

Night Lighting: The IS/MND further acknowledges that night lighting associated with the project will "result in a long term significant visual impact." The IS/MND suggests mitigation in the form of an exterior lighting plan. The specifics of any such lighting plan are not set forth. Deferral of required mitigation violates CEQA. The details of the required mitigation must be specific and enforceable through permit conditions or other agreements. There is no nexus between this proposed mitigation measure and the severity of the identified significant impact being reduced to a less than significant level. The analysis is incomplete at best. Therefore, a project impact was identified with no specific or viable mitigation measure to reduce the severity of that identified impact to a less than significant level. The potentially significant impact is therefore significant and unavoidable with no viable project design features or detailed mitigation measures offered to reduce the severity of the impact.

performance
standards

The IS/MND further acknowledges that the project will result in an alteration of the rural setting in which this land is located. As stated in the IS/MND:

"The unavoidable noticeability of the proposed project will result in a negative visual effect on the rural character and cumulative short and long term visual impacts." (Page 6) [Emphasis added]

The proposed mitigation measures to offset the negative visual effect on the rural character of this area are entirely inadequate.

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The potentially significant impact is therefore significant and unavoidable with no viable project design features or detailed mitigation measures offered to reduce the severity of the impact.

3. Air Quality

The IS/MND acknowledges that the project will have a potentially significant impact and will:

- a) Violate state or federal ambient air quality standards; and
- b) Expose sensitive receptors [nearby residents] to substantial air pollutant concentrations.

need to do?
While acknowledging these major problems, the IS/MND does not present any quantitative analysis to disclose the negative air quality impacts. As a result, there is virtually no description of existing conditions, with-project future conditions during project construction, with-project future conditions during project operation, or how to mitigate issues not quantitatively identified. Absent disclosure of these facts and how mitigation will reduce the adverse impact on air quality, this IS/MND fails as an informative document and draws conclusions not supported by substantial evidence.

answer these?
Construction Phase: During the construction phase of the project, there is no quantitative analysis of the diesel and NOx emissions from construction equipment, employee vehicles, dump trucks, earth-moving equipment, cars and tractors, all of which will be creating diesel and NOx emissions over an extended construction period. While there is a proposed mitigation plan for fugitive dust on the site during construction, there is no plan to deal with fugitive dust on Lynch Canyon Road, which will be traversed by numerous construction vehicles over an extended period of time. It should be noted that the project, as described, fails to even identify the time period over which construction will be undertaken. No construction phasing plan or schedule is provided in the IS/MND, which are critical components of a complete project description under CEQA. How many years will this project be under construction? What on and off site project design features and mitigation measures will be implemented to quantitatively assure that all air quality impacts during project construction will be less than significant? Absent disclosure of these facts and how mitigation will reduce the adverse impact on air quality, this IS/MND fails as an informative document and draws conclusions not supported by substantial evidence.

Operation of Project: Once construction has been completed, there is no analysis of the operational impact that the project will have on air quality. NOx and diesel emissions from the various vans, delivery trucks, cars visiting the premises, tractors which will be kept on site, equipment to maintain the site, generators, boats, motorcycles, and small utility vehicles are not disclosed. No

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diesel or NOx analysis has been presented. Further, the creation of fugitive dust on and off the project site during the operations, and the further creation of fugitive dust on Lynch Canyon Road are not addressed. Fugitive dust on this substandard dirt road will be a permanent addition to adverse air quality as a result of the increased traffic caused by this project. What on and off site project design features and mitigation measures will be implemented to quantitatively assure that all air quality impacts during project operation will be less than significant? Absent disclosure of these facts and how mitigation will reduce the adverse impact on air quality, this IS/MND fails as an informative document and draws conclusions not supported by substantial evidence.

answer

Equestrian Facility: The IS/MND acknowledges that the equestrian facility will also create fugitive dust. However no effort whatsoever has been made to quantify the amount of fugitive dust and its impact on air quality. It should be noted that the project contemplates a large feed barn containing more than 3,000 square feet of area. There is no indication as to the number of horses that will be present at the site during operations. Potentially significant air quality impacts have been identified in the IS/MND with little to no quantitative data. Deferral of identifying required mitigation violates CEQA. The details of the required mitigation must be specific and enforceable through permit conditions or other agreements. What on and off site project design features and mitigation measures will be implemented to quantitatively assure that all air quality impacts during project operation of the equestrian facility and equestrian uses will be less than significant? Vague mitigation measures are presented that presume to reduce impact to less than significant levels. Absent disclosure of these facts and how mitigation will reduce the adverse impact on air quality, this IS/MND fails as an informative document and draws conclusions not supported by substantial evidence.

of horses

4. Biological Resources

The IS/MND acknowledges that there will be potentially significant impacts which will:

- a) Result in a loss of unique or special status species or their habitats;
- b) Reduce the extent of diversity or quality of native or other important vegetation;
- c) Impact wetland or riparian habitat; and
- d) Introduce barriers to movement of resident or migratory fish or wildlife species which could hinder the normal activities of wildlife.

The IS/MND has identified a whole host of animal species which could

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explain [suffer potentially significant adverse impacts. The IS/MND identifies this area as a bald eagle roosting and hunting area, and potentially as a nesting area for bald eagles. Virtually no effort has been made to identify specific and viable mitigation efforts to protect bald eagles. Absent disclosure of these facts and how mitigation will reduce the adverse impact on biological resources, this IS/MND fails as an informative document and draws conclusions not supported by substantial evidence. The IS/MND only proposes minimal and vague mitigation as follows:

- a) Pre-construction surveys;
- b) Avoid vegetation clearing and relocation of whip snakes, legless lizards, and coast horned lizards.

answer - What are the specifics of pre-construction surveys? Deferral of identifying the specifics of required mitigation violates CEQA. The details of the required mitigation must be specific and enforceable through permit conditions or other agreements. No explanation of how the suggested mitigation measures would reduce the severity of the identified impacts to less than significant levels are provided. What on and off site project design features and mitigation measures will be implemented to quantitatively assure that all biological resources impacts during project construction and operation will be less than significant? There is no specific nexus between these proposed mitigation measures and the severity of the identified significant impact being reduced to a less than significant level. The analysis is incomplete at best. The potentially significant impact is therefore significant and unavoidable with no viable project design features or detailed mitigation measures offered to reduce the severity of the impact.

address [The project applicant also fails to provide details regarding the impact of the ground disturbance on the various affected plant and animal species. The construction of 132,000 square feet of buildings and parking lots and the further construction of internal roads, and other grading, will undeniably destroy habitat of the various affected animal species. Additionally, the project requires the construction of an emergency access road and a bridge across Kavanaugh Creek, which will destroy a large swath of habitat across the Cantinas Ranch Property. There is no mention of creating hiking trails, biking trails, and equestrian trails throughout the property? Where will these trails be located? No mitigation whatsoever is proposed to replace the habitat destroyed by this project.

answer [Additionally, with guests and staff totaling 300 persons, no disclosure is provided in the IS/MND as to the daily/weekly/monthly/yearly activities of these 300 persons, which could have an adverse impact on the native plants, animals and endangered species. Additionally, no description of "adult retreat" activities outside of the summer months is provided in the

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IS/MND, so potential environmental impacts associated with these uses are not evaluated, disclosed or mitigated. Activities would include hiking, biking, equestrian, offroading, etc. over a large portion of the 560 acres of presently undisturbed virgin land. There is also the likelihood that hiking, biking and equestrian activities will be conducted on nearby undeveloped rural land owned by others, including persons or entities affiliated with the Cantinas Ranch Foundation. This should be disclosed. All of this activity could have an adverse effect on these biological resources.

address

Given the potentially significant impacts on a number of plant and animal species including the endangered bald eagle and in light of the location of the project on Lake Nacimiento, there is no evidence that the applicant consulted with California Fish and Wildlife with respect to the construction and operation and effect of this project. California Department of Fish and Wildlife should be a responsible agency for this project under CEQA.

*is
DFG
consultation
required?
are there*

It is also noted that the project contemplates the construction of an outdoor stage. Will amplified sound be utilized for this outdoor stage? Will concerts be held at the project site? Will Cantinas Ranch conduct Music Festivals at the site? Absent specific details regarding the nature and extent of the operational use of the project, the County of San Luis Obispo cannot make an informed judgment as to the potential environmental impacts and corresponding appropriate mitigation necessary to reduce the potentially significant negative impact. Therefore, this IS/MND fails as an informative document and draws conclusions not supported by substantial evidence.

5. Cultural Resources

The IS/MND acknowledges that the project will have a potentially significant impact as follows:

- a) Disturb prehistoric resources; and
- b) Disturb historic resources.

The IS/MND identifies at least two known pre-historic archeological sites and one potential historic site. The specific location of those sites relative to the location of the construction undertaken, the placement of the various internal roads and placement of hiking, biking and equestrian trails are not set forth. The location of these sites is critical to understanding the potential impacts. What on and off site project design features and mitigation measures will be implemented to quantitatively assure that all cultural resources impacts during project construction and operation will be less than significant? There is no specific nexus between

*explain
-we can't
ID where
they are
(at least
the historic
site)*

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the proposed mitigation measures and the severity of the identified significant impact being reduced to a less than significant level. The analysis is incomplete at best. The potentially significant impact is therefore significant and unavoidable with no viable project design features or detailed mitigation measures offered to reduce the severity of the impact. Absent disclosure of these facts and how mitigation will reduce the adverse impact on cultural resources, this IS/MND fails as an informative document and draws conclusions not supported by substantial evidence.

The area along the Nacimiento River in this immediate area was occupied by native American tribes over thousands of years. It is therefore likely that the disturbance of virgin land will potentially have a significant impact upon prehistoric sites occupied by native American tribes.

The IS/MND does not disclose the full extent of the utilization of the 520 acre property by the guests, staff members and other persons who will utilize the premises over the course of an entire year. It is certainly contemplated that hiking, biking, and equestrian activities will be utilized throughout much of the Cantinas Ranch property. Where will hiking, biking, and equestrian trails be located? No effort has been made to specify the details with respect to any mitigation which may be required as a result of any disturbance of pre-historic or historic resources. Therefore, this IS/MND fails as an informative document and draws conclusions not supported by substantial evidence.

6. Geology and Soils

The IS/MND acknowledges that the project will have a potentially significant impact that will:

- a) Result in exposure to unstable earth conditions;
- c) Result in soil erosion, topographic changes, loss of top-soil, unstable soil conditions, etc.;
- d) Change rates of soil absorption or amount or direction of surface runoff;
- f) Change the drainage patterns where substantial on or off-site sedimentation/erosion or flooding may occur.

In dealing with these issues, the IS/MND suggests mitigation measures which do nothing more than require compliance with county ordinances. Compliance with applicable law is not a mitigation measure under CEQA. The applicant would be required to comply with all applicable ordinances in any event. Deferral of identifying

why
not?
yes it is

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required mitigation violates CEQA. The details of the required mitigation must be specific and enforceable through permit conditions or other agreements. No quantitative or qualitative data is provided to substantiate the claim that the proposed mitigation measures would reduce the severity of identified significant environmental impacts. What on and off site project design features and mitigation measures will be implemented to quantitatively assure that all geology and soils impacts during project construction and operation will be less than significant? There is no specific nexus between these proposed mitigation measures and the severity of the identified significant impact being reduced to a less than significant level. The analysis is incomplete at best. The potentially significant impact is therefore significant and unavoidable with no viable project design features or detailed mitigation measures offered to reduce the severity of the impact.

Earthquake Area: Also, this project is located in an area of known earthquake activity. In December 2003, a major earthquake occurred less than 4 miles from the location of this site. The Nankivell Ranch residence suffered substantial damage from that earthquake and the City of Paso Robles also suffered substantial damage and loss of life. The IS/MND fails to identify this issue, although it should have. No seismic impact analysis measures are evaluated in the IS/MND. - address/rebut

Absent specific details with regard to mitigation other than compliance with county ordinances, this IS/MND fails as an informative document and draws conclusions not supported by substantial evidence.

7. Hazards and Hazardous Materials

The IS/MND acknowledges the existence of a potentially significant impact as a result of increased fire hazard and exposure of people or structures to high fire hazard conditions.

The IS/MND acknowledges that the project is located in a "very high" fire hazard severity zone. The placement of such a large project with many children and young adults in what was previously an unoccupied rural area, presents a substantial increase of fire hazard risks. Promotional materials from the Cantinas Ranch suggests camp fires will be part of the experience at the Cantinas Ranch. Camp fires in this high risk area create an extraordinarily high risk of fire. The IS/MND suggests that simple compliance with "standard regulations and requirements" will sufficiently mitigate the increased fire hazard risk. Compliance with standard county ordinances and regulations and compliance with safety measures identified by CalFire do not constitute a mitigation measure under CEQA. The developer of the project would be required to comply with these laws in any event. What on and off site project design features and mitigation measures will be implemented to quantitatively assure

says who?

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that all hazards and hazardous materials impacts during project construction and operation will be less than significant? There is no specific nexus between these proposed mitigation measures and the severity of the identified significant impact being reduced to a less than significant level. The analysis is incomplete at best. The potentially significant impact is therefore significant and unavoidable with no viable project design features or detailed mitigation measures offered to reduce the severity of the impact.

8. Noise

*any studies done?
if not, why?*
The IS/MND states that there is an insignificant noise impact. Absolutely no quantitative analysis has been made by the applicant with respect to the noise that will be created during the construction of the project [a period of undisclosed years] and during the operation of the project.

Construction Phase: During the construction phase, the applicant has made no effort to identify the level of ambient noise which will be created as a result of substantial earth moving activities, construction activities, traffic noise created by vehicles during the construction phase, and all of the associated noise created as a result of construction of a project of this size and magnitude.

Operational Phase: During the operational phase of the project, the applicant has once again failed to present any quantitative analysis regarding the noise created by this project. It is represented that at least 200 guests will be present at the site throughout the summer months. They will be engaged in outdoor sporting activities, utilizing an outdoor swimming pool, volley ball courts, hiking, biking, horseback riding, and other outdoor activities, all of which will create a level of noise which has not been identified.

* Additionally, the project identifies an out-door stage area, which will be utilized in connection with various events. Will amplified sound be utilized in connection with the stage operations? How many concerts will take place? How many music festivals will be held at the site? How much seating is available for this stage? Who will be performing on this stage and who will be watching the performances? None of this information has been provided.

*Really?
trash truck
noise
specifically?*
During operations, substantial trash hauling will be required in connection with the presence of at least 300 persons during the summer months. The project contemplates construction of a trash enclosure consisting of 1,450 square feet of interior space. All of that trash will be required to be removed by trucks, all of which will generate significant noise. No effort has been made by the applicant to quantitatively identify the amount of noise created by these trash trucks and all other vehicles going to and from the project during its operation. What on and off site project design

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features and mitigation measures will be implemented to quantitatively assure that all noise impacts during project construction and operation will be less than significant? There is no specific nexus between these proposed mitigation measures and the severity of the identified significant impact being reduced to a less than significant level. The analysis is incomplete at best. The potentially significant impact is therefore significant and unavoidable with no viable project design features or detailed mitigation measures offered to reduce the severity of the impact. Given the absence of quantitative analysis and the total absence of any proposed mitigation measures, this IS/MND fails as an informative document and draws conclusions not supported by substantial evidence.

9. Population/Housing

The IS/MND concludes that the construction of this 132,000 square foot complex will have an insignificant impact which would induce substantial growth in this undeveloped area.

The IS/MND makes no effort to even address the issue of whether the project will induce substantial growth in this remote rural area. This is a very large project [essentially a resort] containing 132,000 square feet of construction in an entirely undeveloped and rural area of north San Luis Obispo County. The project contemplates significant improvements to the existing four miles of dirt road. It is entirely likely that road improvements and the approval by the County of this conditional use permit will have a significant impact in inducing further development and growth in the area.

*
growth
inducing
impact?
- roads

It should also be noted that the project proposes construction of 132,000 square feet of improvements. It would appear entirely likely that this large project for just 200 guests will see future increases in utilization by the applicant in an area which is presently rural and largely undeveloped.

What on and off site project design features and mitigation measures will be implemented to quantitatively assure that all population and housing impacts during project construction and operation will be less than significant? The analysis is incomplete at best. The potentially significant impact is therefore significant and unavoidable with no viable project design features or detailed mitigation measures offered to reduce the severity of the impact.

In the absence of significant disclosures regarding these issues, and how they might be mitigated, this IS/MND fails as an informative document and draws conclusions not supported by substantial evidence.

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10. Public Services/Utilities

The IS/MND identifies a potentially significant impact on:

- a) Fire protection; and
- b) Police protection.

7
While acknowledging that the project is in a very high fire area, and that police protection is located approximately 19.3 miles away [up to a one (1) hour drive] in Paso Robles, California, the IS/MND makes no recommendation regarding mitigation of the impact on fire protection and police protection. The IS/MNO notes that fee programs have been adopted by San Luis Obispo County to address the significant impact on fire protection and police protection. The application of those fee programs to this particular project are not disclosed. The construction of 132,000 square feet in a remote, rural area of North San Luis Obispo County to be occupied by young people throughout the summer months (and an unknown number of persons during the remainder of the year) will most assuredly have a significant impact on potential fire protection and police protection services. Also, the IS/MND fails to make any mention of the availability of emergency medical services for this project site. Given the presence of young people in this camp setting, it must be concluded that there will be a significant impact requiring the availability of emergency medical personnel to this remote rural site. The nearest hospital is the Twin Cities Community Hospital located in Templeton, California, more than one hour from the project site.

The IS/MND fails to fully explain the availability of fire services to this project. The nearest fire station is a volunteer fire station located in Oak Shores. Unfortunately, the Oak Shores Volunteer Fire Department is not a reliable force, and only contains three (3) active members. It is not an effective fire department and would provide limited and inadequate fire and emergency medical services for those persons utilizing this project. Fire Chief Robert Lewin of the San Luis Obispo County Fire Department has indicated in correspondence dated June 13, 2013, to the Department of Planning and Building that "the only solution capable of addressing existing response time deficiency is to move forward on full-time staffing". Absent the development and construction of a full-time Fire Department, the availability of fire and emergency services to the project site would be less than adequate.

yes *
- that is
correct
It has been proposed by Fire Chief Lewin that the applicant may construct a new full-time department building at some location to be determined. If a new full-time Fire Department is to be constructed by the applicant as suggested by the fire chief, the details of that project must be set forth in the IS/MND. Where will this fire

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department be located? How will it be funded? When will it be built? What costs will be incurred by neighboring property owners as a result of bond issues to cover purchase of equipment and to fund the staffing of that Fire Department? Will property taxes be increased for all neighboring property owners?

address
not appropriate
in CEQA
doc

What on and off site project design features and mitigation measures will be implemented to quantitatively assure that all public services/utilities impacts during project construction and operation will be less than significant? The analysis is incomplete at best. The potentially significant impact is therefore significant and unavoidable with no viable project design features or detailed mitigation measures offered to reduce the severity of the impact.

Absent any proposed mitigation to deal with these significant impacts, this IS/MND fails as an informative document and draws conclusions not supported by substantial evidence.

11. Recreation

The IS/MND concludes that the project will have an insignificant impact on:

- a) Increased use or demand for parks or other recreation opportunities; and
- b) Will that affect the access to trails, parks or other recreation opportunities.

Given the conclusion that the project will not create any such increased use or demand, no mitigation measures are proposed.

The project is located on the North Shore of Lake Nacimiento. The applicant fails to disclose the extent to which the guests at the resort will utilize the recreational resources of Lake Nacimiento. Such resources include kayaking, swimming, water skiing, fishing and other water activities. Will boat docking facilities be constructed at the site? How many boats, kayaks, or other water craft will be available at the site? It should be noted that the project plans include a Lakeside Café consisting of approximately 1,400 square feet. While the applicant fails to disclose any use of the Lake Nacimiento recreational area, it is reasonable to assume that guests staying the resort will utilize Lake Nacimiento and the recreational activities provided by it. Promotional materials from the Cantinas Ranch highlight water skiing, boating, and other lake activities. It should also be noted that representatives of the applicant have recently represented that the project will not construct boat docking facilities. If that is correct, the IS/MND should reflect this fact and preclude

*
answer

-that's
true

not necessary
but ok to
include

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construction of boat docking facilities for this resort without future approval by the Department of Planning.

Additionally, the project certainly contemplates hiking, biking, and other activities in the rural areas located near the proposed project.

What on and off site project design features and mitigation measures will be implemented to quantitatively assure that all recreational impacts during project construction and operation will be less than significant? The analysis is incomplete at best. The potentially significant impact is therefore significant and unavoidable with no viable project design features or detailed mitigation measures offered to reduce the severity of the impact.

The Applicant has provided no quantitative analysis regarding the effect and utilization by the project on Lake Nacimiento and on local hiking trails and rural areas. Absent such disclosure and without any proposed mitigation to deal with the increase, the IS/MND fails as an informative document and draws conclusions not supported by substantial evidence.

12. Transportation/Circulation

The IS/MND has concluded that the project will have an insignificant impact on transportation and utilization of public roadways in the immediate area.

Lynch Canyon Road is a substandard, narrow, winding dirt road located in a remote area of northern San Luis Obispo County. We have been utilizing Lynch Canyon Road to obtain access to The Nankivell Ranch property for more than thirty (30) years. The traffic on Lynch Canyon Road is minimal. It is only utilized by the very limited number of residents in the area. On most occasions when we travel the 5 miles of Lynch Canyon Road, we encounter no vehicles whatsoever.

address The applicant has failed to provide any quantitative analysis as to the current traffic utilization of Lynch Canyon Road. Without such quantitative analysis as to the existing use, a comparative analysis of the traffic on Lynch Canyon Road cannot be undertaken.

Construction Phase: The IS/MND totally fails to provide any analysis of traffic conditions during the construction phase of the project. As noted previously, the applicant has failed to identify how many years this project will be under construction. Will the phased construction last three (3) years? Five (5) years? The IS/MND totally fails to provide any quantitative analysis as to the amount of traffic that will be utilizing Lynch Canyon Road during the construction phase. The construction of 132,000 square feet of improvements will undeniably require utilization of Lynch Canyon

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Road for earth-moving equipment, construction vehicles, construction employees, delivery of construction supplies, county inspectors, and numerous other persons involved in the construction of this large project. There is no analysis whatsoever as to the impact of these vehicles on traffic conditions and on the maintenance of Lynch Canyon Road during the years of the construction phase.

address

Bridge over Kavanaugh Creek: The applicant proposes to build an emergency access road which includes a bridge over Kavanaugh creek. The location where the bridge will be located is actually a part of Lake Nacimiento that is navigable by boats during various times—especially when water levels are high. The IS/MND fails to specify the elevation of the bridge. The applicant has however indicated that the bridge will be at an elevation of approximately 805 feet above sea level. Inasmuch as the lake can rise to a level of 800 feet, the presence of a bridge at that height would preclude boat access to property owners (e.g., Jeffrey Greene) and would be a hazard to boat traffic on the lake. The IS/MND simply fails to provide the details regarding this bridge. Also, there is no indication that the Monterey County Water Resources Agency (MCWRA) has been consulted or even informed of the bridge to be constructed over a portion of Lake Nacimiento. Notice to MCWRA and their approval should be required.

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address*

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address*

Operational Phase: The IS/MND states that it is "anticipated" that the Cantinas Ranch will utilize a fleet of 15-seat vans to transport people to and from Paso Robles on Saturdays and Sundays. The IS/MND identifies forty (40) additional van trips on Saturdays and forty (40) additional van trips on Sunday. The IS/MND also asserts sixty (60) additional daily trips for staff members on Saturday and sixty (60) additional daily trips for staff members on Sunday. The only other projected additional daily trips are four (4) additional trips for deliveries on Saturday and four (4) additional trips for deliveries on Sunday. The total additional daily trips projected in the IS/MND are 104 on Saturdays and 104 on Sundays. Saturdays and Sundays are the days when Lynch Canyon Road are most extensively utilized by its present residents.

The trip generation estimates identified by the IS/MND grossly understate the amount of additional traffic which will be generated by this project. The following additional trips have not even been considered:

- a) Will guests considering attending Cantinas Ranch be allowed to visit the site prior to attending?
- b) Will parents of youth at Cantinas Ranch be allowed to inspect the camp prior to their children attending the resort or allowed to visit while their children are attending?

answer

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- c) The delivery of food and supplies to this large facility has been minimized.
- d) Trips by repairmen, plumbers, electricians and other workmen are not identified.
- e) Trips by those considering utilizing the property as a "retreat" are not considered.
- f) Trips by trucks for hauling trash generated by the facility are not considered.
- g) How many additional trips will be required for concerts, music festivals, and other events that will be held at the Cantinas Ranch site?

true-address
The project also contemplates the construction of a large equestrian center which includes a feed barn of over 3,000 square feet. The IS/MND fails to disclose the number of horses to be stabled at the equestrian center. The size of the equestrian center will directly affect the number of additional trips required to be taken on Lynch Canyon Road. Delivery of feed, equipment, movement of horses in trailers, etc. will require utilization of Lynch Canyon Road. There is no quantitative analysis with respect to the traffic requirements necessitated by the equestrian center.

answer
The IS/MND has failed to provide any quantitative analysis of the traffic on Lynch Canyon Road during the non-summer months. The applicant has identified that the property will be used as a "retreat" but there is no disclosure as to the method for access to the property for those retreats. Will the fleet of shuttle vans be utilized in connection with the retreats? Will participants in any retreats, conferences, concerts, music festivals, art festivals be allowed to drive in their own personal automobiles to the project?

address - and difficult to impact using other times of year
Outside of limited analysis during the three summer months, the applicant has failed to provide any quantitative analysis regarding the use of Lynch Canyon Road for nine (9) months of the year and has failed to provide any quantitative analysis regarding the use of Lynch Canyon Road during the construction phase.

address
The IS/MND is internally inconsistent. While stating that there will be no significant impact on transportation as a result of the project, the IS/MND requires the applicant to make substantial improvements to Lynch Canyon Road resulting in 600 cubic yards of cut, 100 cubic yards of fill, and significant impact on Oak trees and native vegetation in the area.

Legal Status of Lynch Canyon Road: Lynch Canyon Road is a

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long-established public road maintained by San Luis Obispo County. There are no legally recorded easements. The County of San Luis Obispo has been maintaining Lynch Canyon Road since at least the 1950's. However, the prescriptive rights of the public and the property owners utilizing Lynch Canyon Rd can only apply to Lynch Canyon Road as presently constituted. The IS/MND describes "improvements" to Lynch Canyon Road requiring 600 cubic yards of cut and 1000 cubic yards of fill. These improvements will also result in potentially adverse impacts to 54 oak trees.

! research address

There is an important legal issue as to whether the proposed "improvements"--such as the widening and/or straightening of Lynch Canyon Road by the applicant--can be undertaken without the consent of the land owners over which this road now traverses. The IS/MND fails to specify the exact location of the widening and/or straightening of Lynch Canyon Rd. That information is essential to determine if the landowners will agree to the taking of their land to widen or otherwise modify the existing road. There is also the issue of the impacts on oak trees on private property where the road is to be modified. Cantinas Ranch cannot impact oak trees on private property without the consent of the property owners. These issues that must be determined prior to approval of the IS/MND.

address

What on and off site project design features and mitigation measures will be implemented to quantitatively assure that all transportation and circulation impacts during project construction and operation will be less than significant? There is no specific nexus between these proposed mitigation measures and the severity of the identified significant impact being reduced to a less than significant level. The analysis is incomplete at best. The potentially significant impact is therefore significant and unavoidable with no viable project design features or detailed mitigation measures offered to reduce the severity of the impact.

Absent such disclosure and without any detailed proposed mitigation to deal with the increase, the IS/MND fails as an informative document and draws conclusions not supported by substantial evidence.

13. Wastewater

The IS/MND has concluded that the project will have an insignificant impact on discharge requirements and will not change the quality of surface or ground water.

The IS/MND has stated that the applicant is seeking to obtain LEED certification from the US Green Building Council. The IS/MND does not require the applicant to obtain LEED certification as a condition of approving the conditional use permit insofar as it relates to reclaimed waste water. The IS/MND also notes that the

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applicant plans to construct a wetland in order to meet water quality goals and to enhance wild life habitat on the site. No details are provided as to the nature, scope, and location of the constructed wetlands designed to enhance wildlife habitat on the site. Absent such basic information, a proper evaluation of the applicant's wastewater plan cannot be completed.

address

What on and off site project design features and mitigation measures will be implemented to quantitatively assure that all wastewater impacts during project construction and operation will be less than significant? The analysis is incomplete at best. The potentially significant impact is therefore significant and unavoidable with no viable project design features or detailed mitigation measures offered to reduce the severity of the impact.

Absent such disclosure and without any detailed proposed mitigation to deal with the increase, the IS/MND fails as an informative document and draws conclusions not supported by substantial evidence.

14. Water

The IS/MND concludes that the project will have a potential significant impact as follows:

- a) Violate water quality standards; and
- b) Discharge into surface waters or otherwise alter surface water quality.

The Cantinas Ranch will be obtaining water resources from Lake Nacimiento as well as from wells on the property which produce in excess of 100 gallons per minute. As noted on Page 12 of the IS/MND, threats to California oak trees include "residential conversion, as well as ground water pumping that has lowered higher ground water areas." The IS/MND does not consider the impact of ground water pumping on the native oak trees. The IS/MND does not disclose the amount of water that will be pumped from these 100 gallon per minute wells and it fails to provide any quantitative analysis regarding how the pumping from said wells will impact the ground water levels. Will the pumping of water from these multiple 100 gallon per minute wells adversely affect the nearby wells utilized by Christmas Cove? Absent such an analysis and information, an evaluation of the proposed water supplies cannot be properly conducted.

*
address
quantify
water use
base basin?

What on and off site project design features and mitigation measures will be implemented to quantitatively assure that all water impacts during project construction and operation will be less than significant? The analysis is incomplete at best. The potentially significant impact is therefore significant and unavoidable with no

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viable project design features or detailed mitigation measures offered to reduce the severity of the impact.

Absent such disclosure and without any detailed proposed mitigation to deal with the increase, the IS/MND fails as an informative document and draws conclusions not supported by substantial evidence.

15. Land Use

The IS/MND has determined that the project will be potentially inconsistent with land use, policy/regulation, e.g., general plan, county land use ordinances, etc., adopted to avoid or mitigate for environmental effects. This determination is a massive understatement. The project is entirely "inconsistent" with land use for this remote rural area.

The proposed project would construct 132,000 square feet of improvements on approximately 25 acres of land located at the westerly end of 560 acres owned by Cantinas Ranch. The project is portrayed as a "camp" for only 200 "campers". In reality, the applicant proposes to construct a high-end resort in an extremely remote and rural setting. Moreover, utilization of the facility is not limited to the summer months. The 132,000 square feet of improvements will also be available as a year-round "retreat", a conference center, for concerts, music festivals and as an art festival venue and potentially for many other uses.

This extraordinarily large 132,000 square foot project for only 200 guests strongly suggests the future expansion of the project to include uses by numbers of persons far in excess of that presented by the applicant. I have been informed that the applicant previously sought approval of a project for 800 to 1000 persons, which was apparently rejected by the County. However, the construction of 132,000 of improvements (the size of a Costco warehouse) certainly indicates future expansion plans. The size of the project as proposed is far larger than anything needed for only 200 guests.

Where is
this
coming
from?

The proposed project is incompatible with existing land use, zoning and general plan designations for the project site, and for parcels on all sides of the project site boundaries. The proposed project is incompatible with existing land uses on and adjacent to the project site in all directions.

What on and off site project design features and mitigation measures will be implemented to confirm that the proposed incompatible land uses in this project being pursued through a conditional use permit will ensure compatibility with land use, zoning, and general plan designations on and off the project site, as well with physical land uses at and adjacent to the project site

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such that land use impacts during project construction and operation will be less than significant? The land use and planning impact analysis in the IS/MND is incomplete at best. The potentially significant impact is therefore significant and unavoidable with no viable project design features or detailed mitigation measures offered to reduce the severity of the impact.

Notice to Christmas Cove Owners

*
is this
true?
The undersigned has been informed that none of the individual owners in Christmas Cove received notice of the July 11, 2013, hearing. Christmas Cove is immediately adjacent to the west of the Cantinas Ranch project—and only a few hundred yards from principal buildings on the site. There are approximately 40 individual owners in Christmas Cove. Each of these individual owners pay property taxes for their individual unit and for their pro-rata share of property taxes for the 60 acre parcel commonly known as Christmas Cove. Each individual homeowner has their own APN # and each pays their own property taxes. None of these individual owners received notice. They should all receive notice before this matter should go forward.

Conclusion

Prior to the receipt of the Notice of the July 11, 2013, hearing, the undersigned received no notice or documents relating to the ongoing efforts of the Cantinas Ranch to seek approval of this project. Several years ago, the undersigned learned that Wayne Hughes was interested in developing a "summer camp" on the project site, the specific details of which were not disclosed to the undersigned. Only upon review of the IS/MND in June of 2013, did we learn of the extensive construction contemplated by this project.

Given the very brief period of time that we have had to respond to this IS/MND, we have endeavored to set forth details hereinabove which support the following conclusion:

Because the project description of the IS/MND is vague and incomplete at best; because environmental impacts described in the IS/MND anticipated to occur during construction and project operation were under-disclosed; and because the mitigation measures are vague, incomplete and do not actually reduce the severity of identified potentially significant impacts to a level of less than significant; the IS/MND used the wrong CEQA document to prepare for assessment of environmental impacts for this project. The IS/MND as prepared is incomplete and does not provide members of the general public with an informed opportunity to provide substantive comments on the existing conditions, proposed project, potential environmental impacts, and a range of proposed mitigation measures. The IS/MND draws conclusions that are not supported by substantial

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evidence in the administrative record. Based on the incomplete IS/MND, it appears as though the proposed project will in fact result in significant and unavoidable environmental impacts during project construction and during project operation. Therefore, under CEQA, a full scope Environmental Impact Report (EIR) should have been prepared to assess potential environmental impacts.

EIR
requested

We respectfully request that the County of San Luis Obispo not certify the IS/MND prepared for this project. We respectfully request that the project applicant be directed by the County to prepare a legally compliant EIR based upon the provisions and requirements of the California Environmental Quality Act.

Respectfully Submitted,
THE NANKIVELL RANCH

By: 

Paul H. Nankivell, II
General Partner

PHN/aks

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